

REMARKS

The Examiner's Action of January 27, 2006 is noted in which the claims are variously rejected under 35 USC 112, second paragraph and 35 USC 103. Applicant has taken into account the Examiner's suggestions with respect to the 35 USC 112, second paragraph rejection and therefore requests reconsideration of this ground of rejection.

This leaves the rejection of the claims under 35 USC 103 as being unpatentable over Macey in view of the PR Newswire article "Share the Wealth."

At the very outset it should be noted that there is absolutely no mention of stock options (or any options) in the Macey reference. Moreover, there is no mention of utilizing information relative to stock options, such as the stock option period, in order to provide the individual with education and training about his stock option in a specific company stock.

Macey refers to a retirement portfolio and has nothing to do with employee compensation, which is what stock options are all about.

It is thus easy to understand that nowhere does Macey contemplate stock options, because when one retires one is no longer an employee, and any options vest.

Also it will be clear that what Macey is doing is taking the entire worth of a portfolio and analyzing it with respect to only one parameter, and that parameter is the mortality of the individual. Thus, what Macey stands for is computing the future value of an investment portfolio based solely on the mortality of the individual. One cannot alter his age. Thus, there is no what-if scenario.

Thus nowhere is shown or taught a system that is geared to finding out what an employee should do with a particular company stock.

Note, for instance, in the claimed system there can be a parameter relating to year-to-date Social Security and other health benefits. There can be a tax bracket parameter that can be varied. There can be the state of residence, which could be changed to maximize the stock option value. There can be entry of a vesting schedule or expiration date for a specific company stock.

In general, and as can be seen from Figure 1, “user-specified” parameters that can be entered into the model are for instance expiration dates, grant dates, vesting dates and the “as of” date, which is the date that the user selects he might want to exercise a particular option; or he may want to exercise an option based on change in stock price. Another factor might be whether or not the individual needs the money or whether he can wait for a more advantageous time to exercise his or her stock option.

None of these “what-if” considerations can be found in Macey because Macey does not deal with stock options.

In short, the types of considerations that go into the model that enable the employee to manage his or her stock options are nowhere found in the Macey system. This is because Macey analyzes the worth of the portfolio based on the mortality rate for the particular individual. In this case, the individual has absolutely no control over what happens to his portfolio because he can’t vary his age.

On the other hand, the claimed system is for employees who have stock options. The employee can affect the worth of his stock options by various actions he can take. Thus, unlike the Macey case, the individual can maximize the return on his stock options by selections he can make. Note that for the claimed stock option calculations age is irrelevant.

It can also be said that Macey tracks and monitors no details of an investor's portfolio other than its value at the start and at the end. Ergo, no "user-specified parameters."

It can also be seen that the Macey system and the claimed invention do not overlap because not all Macey's investors are holders of company stock. Not all holders of company stock use these stock grants to prepare for retirement; and not all holders of company stock who use their grants to prepare for retirement want to factor mortality risk into their investment planning.

In summary, the Macey reference does not in any way mention stock options. It does not teach what the gain will be for an exercised company stock. It does not show the entry into a model of a user-definable parameter such as, for instance, expiration dates, grant dates and vesting dates. It does not show how the individual could get an appropriate answer by entering in certain tax considerations that he is in control of. Moreover, it does not give the opportunity to try to find out what would happen if a stock option were exercised at a particular date and it does not show a way of finding out what would happen in the case of a company stock price going up or down.

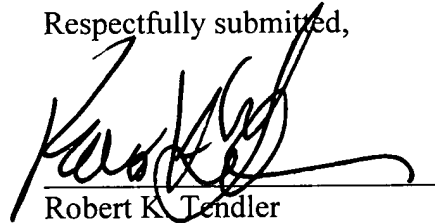
The addition of the PR Newswire cannot supply the deficiencies in the Macey reference. It is therefore Applicant's contention, therefore, that it would be inappropriate to combine the two references to anticipate the claimed subject matter.

It is also noted with respect to the PR Newswire article, that it discusses "communicating" to convince employees that stock options have value. This is not the same thing as educational programs in which the individual, on his or her own or with a financial advisor, learns through tools and content the value of his or her stock options. The PR Newswire

article focuses on how to improve company performance and morale by telling employees that stock options have value. The present invention presumes that the employee knows stock options have value. To convince employees that stock options have value is not the focus of the claimed invention at all, but rather financial planning, education and tools customized to the individual's needs related to their specific stock grants.

In view of the above Amendment, allowance of the claims and issuance of the case is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert K. Tandler', written over a horizontal line.

Robert K. Tandler
Reg. No.: 24,581
65 Atlantic Avenue
Boston, MA 02110
Tel: (617) 723-7268

Date: March 28, 2006